



Town of Jericho  
DEVELOPMENT REVIEW BOARD  
67 Route 15  
Jericho, VT 05465

VOL: 331 PG: 44 - 47  
INST: 11008023

**Via Certified Mail**

June 23, 2016

Steven Atwood  
Atwood Enterprises, Ltd  
9 Vale Drive  
Essex Junction, VT 05452

RECEIVED & RECORDED  
Jun 24, 2016 08:15A  
DOCUMENT TYPE: FINDINGS OF FACT & COND  
DOCUMENT NUMBER: 11008023  
JESSICA R. ALEXANDER, TOWN CLERK  
JERICHO, VT

RE: 44 Raceway Road, Planned Unit Development (PUD) Subdivision

Dear Mr. Atwood:

At a meeting of the Jericho Development Review Board held on 12 May 2016, the Board heard your request for an amendment to a previously approved 6-unit, 3-duplex PUD Subdivision on a  $\pm 28.5$  acre portion of an approximate 123 acre parcel. The property is located at 44 Raceway Road in the Agriculture (AG) and Village (VIL) Zoning Districts. The Parcel Code is RW044c.

After review of the application, the Board unanimously voted to deny your request. The Board issues the following Findings of Fact and Conclusions of Law in support of its determination.

**FINDINGS OF FACT**

1. The application is for an amendment to a previous DRB approval of an application for parcel RW044 rendered October 27, 2014.
2. Specifically, the amendment seeks to remove the individual "footprint" lots within the PUD while maintaining the density of six duplex units.
3. The applicant testified that after consulting with the Act 250 district coordinator, the applicant determined that the footprint lots created subdivisions for the purposes of Act 250, thereby subjecting the Applicant to Act 250 review. Conversely, the applicant represented that removing the footprint lots would avoid Act 250 jurisdiction and the District Commission's review of the project.
4. Aside from the change to the proposed ownership of the land beneath the units, no other aspect of the project as now presented to this Board has changed.
5. The applicant did not appeal the October 27, 2014 approval of the application.

**CONCLUSIONS OF LAW**

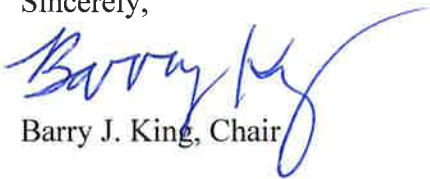
6. In accordance with Findings 2 and 4, the board finds that this application does not constitute a substantial change to the proposal.

7. In accordance with Conclusion 6 and Finding 5, the board concludes that that the previous approval precludes the amended application.
8. In accordance with Finding 7, the amended application is therefore barred by the successive application doctrine.

Motion by Jeff York to deny the amended application by Atwood Enterprises, Ltd. for a 6-unit, 3-duplex PUD subdivision of a  $\pm$ 123 acre parcel (RW044c). Seconded by Stephanie Hamilton. Those in favor: Barry King, Stephanie Hamilton, and Jeff York. Opposed: None. Abstained: Bruce Jenkins. Motion carried 3-1-0. The application is denied.

In accordance with 24 V.S.A. §4471 any Interested Person may appeal this decision within 30 days by filing a notice of appeal by certified mail, sent to the State Environmental Court with a copy to the Town of Jericho. Address: *Vermont Superior Court, Environmental Division, 2418 Airport Rd., Suite 1, Barre, VT 05641-8701*. The current filing fee for an appeal is \$262.50, payable to Vermont Superior Court, and it must be sent in with the notice of appeal. Anyone with questions about an appeal can call the Court at 802 828-1660.

Sincerely,



Barry J. King, Chair

Jericho Development Review Board

cc: Steven Atwood, owner  
Town Clerk  
Zoning Administrator  
Lister - Town of Jericho  
Selectboard